IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.278 OF 2005
WITH
CRIMINAL WRIT PETITION NO.279 OF 2005
WITH
CRIMINAL WRIT PETITION NO.280 OF 2005
WITH
CRIMINAL WRIT PETITION NO.281 OF 2005
WITH
CRIMINAL WRIT PETITION NO.282 OF 2005

M/s. Esskay Pharmaceuticals Ltd. and Ors. ..Petitioners

Vs.

State of Maharashtra & Anr. ...Respondents

...

Mr. Rishi Bhuta Advocate for Petitioners
Mr. Y.S.Shinde, A.P.P. for the State
Mr. S.P.Kadam for Respondent no.2

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 22,2005

P.C.

1. Heard the learned advocate for the petitioners, the learned A.P.P. for the State and learned advocate for the respondent no.2 in all the matters.

2. The petitioners are seeking quashing of process issued against them by the learned M.M.44th Court, Andheri in C.C.Nos.3203/S/99, 61/S/2000, 300/S/2000, 3240/S/99 and 905/S/2000. In the said cases process is issued under Section 138 of Negotiable Instruments Act.

3. However, for the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within four weeks from

today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks. The learned advocate for the respondent no.2-complainant fairly states that no objection will be raised in respect of delay in filing revisions.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petitions are disposed of.

[V.K.TAHILRAMANI,J.]